



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

CS-29A

February 27, 1995

Reed Oslan, Esq.  
Kirkland and Ellis  
200 East Randolph Drive  
Chicago, Illinois 60601

US EPA RECORDS CENTER REGION 5



481028

RE: Himco Dump Superfund Site

Dear Mr. Oslan:

Thank you for your letter of January 6, which I received by facsimile on January 13. Unfortunately, it reflects a fundamental misunderstanding regarding implementation of the selected remedy for the Himco Dump Superfund Site.

Contrary to statements contained in your letter, the U.S. Environmental Protection Agency (U.S. EPA) intends to fully implement the selected remedy at this time. In light of the misunderstandings contained in the letter, U.S. EPA has decided to itself complete the remedial design phase of the project rather than enter into an agreement for design with the potentially responsible parties.

Accordingly, under Section 122 (a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(a), U.S. EPA declines to use the settlement procedures in said section, and is proceeding to expend funds from the Hazardous Substance Superfund on design and implementation of the remedy.

Sincerely yours,

Larry L. Johnson  
Assistant Regional Counsel

cc: Richard Paulen, Esq. (Barnes and Thornburg)



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